

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2010 DEC 20 PM 2:09
CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GLORIA PORTER,

Defendant.

CRIMINAL NO. 10 - 3404

Counts 1-105: 18 U.S.C. § 1343:
Wire Fraud;

Count 106: 18 U.S.C. § 1341:
Mail Fraud;

Count 107: 18 U.S.C. § 1028A:
Aggravated Identity Theft.

INDICTMENT

The Grand Jury charges:

Introduction

1. Beginning on or about December 20, 2005, and continuing through on or about September 2, 2008, in the District of New Mexico and elsewhere, the defendant, **GLORIA PORTER**, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and omissions, and for the purpose thereof, the defendant knowingly and wilfully engaged in the acts and omissions as further set forth herein.

2. Unions are democratic institutions with their own constitutions and bylaws that represent their members for the purpose of collective bargaining. The International Association of Machinists (IAM) is an international union. The National Federation of Federal Employees, IAM (NFFE) is a national union, subordinate to the IAM, representing federal employees. The NFFE District 1 IAM Army Military Council (AMC) is an

intermediate body composed of local unions that represents NFFE members employed by the United States Army. NFFE District 1, International Association of Machinists Local Union 2049 ("Local 2049") represents certain federal employees who work at White Sands Missile Range.

3. Between 1996 and 2008, the defendant, **GLORIA PORTER**, was a federal employee and a work order clerk at White Sands Missile Range, New Mexico. Within that time period, and at all times relevant to the charges brought in this indictment, **GLORIA PORTER** served as national vice-president for the NFFE, the secretary-treasurer for the AMC (the intermediate body for all NFFE members employed by the Army), and president of Local 2049 (the local union that represents certain employees at White Sands Missile Range in New Mexico).

4. At all times relevant to this indictment, Local 2049 had account number XXX-XXXX569 at the Wells Fargo bank under the name "NFFE Local 2049 Labor Org., P.O. Box M, White Sands, NM 88002-7512;" and the AMC had primary account number XXX-XXXX743 at the Wells Fargo bank under the name "National Federation of Federal Emp. Army Command Council, 673 Edna St., Chaparral, NM 88081-8009."

5. Local 2049 and AMC were required by their constitutions to pay any expenses by a check signed by two officers. The IAM official policy (which governed both the AMC and Local 2049) expressly prohibited the use of debit cards.

6. The AMC had a VISA debit card, number #XXXXXXXXXXXX691001, linked to AMC account XXX-XXXX743. The defendant, **GLORIA PORTER**, surreptitiously obtained this VISA debit card in her capacity as secretary-treasurer of the AMC.

7. Between 2005 and 2008, NFFE received dues from members. The dues were deducted from members' paychecks by the employer. The employer sent the dues to NFFE (the national organization) and NFFE sent AMC (the intermediate organization) and Local 2049 their portions of the members' dues.

The Scheme and Artifice to Defraud

8. Between on or about December 20, 2005 and September 2, 2008, on the dates set forth below, the defendant, **GLORIA PORTER**, used the VISA debit card ending in 691001 to withdraw funds from NFFE AMC Wells Fargo checking account XXX-XXXX743 to purchase goods and services from the businesses set forth below, none of which purchases were authorized by AMC, none of which benefitted AMC or any other union, and all of which were for the personal benefit of the defendant, **GLORIA PORTER**.

9. Through those transactions the defendant, **GLORIA PORTER**, converted more than \$13,542 of union funds for her own use.

10. All of the transactions set forth below were initiated in New Mexico and Texas. The electronic transmissions containing those transactions were then processed at VISA processing centers located outside of New Mexico and Texas.

11. As secretary-treasurer for AMC, **GLORIA PORTER** was required to submit annual financial disclosure reports to the United States Department of Labor (USDOL) on a form entitled "FORM LM-3 LABOR ORGANIZATION ANNUAL REPORT" (AMC LM-3). Accurate reports would have disclosed her theft. In order to conceal her theft, **GLORIA PORTER** did not disclose the amount of personal debit card charges on the AMC LM-3 for fiscal year 2006. In furtherance of her fraudulent scheme **GLORIA PORTER** also forged

the signature of AMC president, Sandra Moilanen, on the fiscal year 2006 AMC LM-3 that **GLORIA PORTER** submitted to the USDOL. From her home in New Mexico, **GLORIA PORTER** submitted the fiscal year 2006 AMC LM-3 form to the USDOL office located in Denver, Colorado using the U.S. Postal Service.

12. As part of her scheme, no other union officer during the relevant time period was aware that the defendant, **GLORIA PORTER**, had obtained an ATM card from Wells Fargo that accessed the AMC checking account number ending in 743.

Counts 1-105 (wire fraud)

13. For the purpose of executing the scheme and artifice to defraud described herein and to obtain the union's money and property by means of materially false and fraudulent pretenses, representations, promises, and omissions, on or about the dates set forth below, in the District of New Mexico and elsewhere, the defendant, **GLORIA PORTER**, knowingly and fraudulently transmitted and caused to be transmitted in interstate commerce, by means of wire communications, certain writings, signs, signals, and sounds, by fraudulently using the Visa debit card ending in 691001, which was linked to the AMC checking account with the number ending in 743, that she caused to be issued to herself, to obtain a total of \$13,542.33 in goods and services for her unlawful personal use, all on or about and between December 20, 2005, and September 2, 2008:

COUNT	DATE	PAYEE	AMOUNT
1	12/22/2005	Foley, El Paso, TX	\$73.57
2	12/22/2005	Mystery Guild Pym	\$235.24
3	1/9/2006	HSN On-Line	\$99.84
4	1/9/2006	HSN On-Line	\$59.94
5	1/9/2006	HSN On-Line	\$57.85
6	1/9/2006	HSN On-Line	\$47.85
7	1/9/2006	HSN On-Line	\$47.84

8	1/9/2006	HSN On-Line	\$39.98
9	1/9/2006	HSN On-Line	\$38.84
10	1/9/2006	HSN On-Line	\$38.84
11	1/9/2006	HSN On-Line	\$35.85
12	1/9/2006	HSN On-Line	\$29.93
13	1/9/2006	HSN On-Line	\$29.84
14	1/9/2006	HSN On-Line	\$29.84
15	1/30/2006	HSN On-Line	\$37.64
16	2/6/2006	HSN On-Line	\$39.97
17	2/6/2006	HSN On-Line	\$39.96
18	2/21/2006	Mikalas Hair Salon, El Paso, TX	\$45.00
19	3/3/2006	Mystery Guild Pym	\$225.75
20	3/8/2006	HSN On-Line	\$39.97
21	3/8/2006	HSN On-Line	\$39.96
22	3/13/2006	HSN On-Line	\$49.83
23	4/7/2006	HSN On-Line	\$39.97
24	4/10/2006	HSN On-Line	\$43.32
25	4/24/2006	Mikalas Hair Salon, El Paso, TX	\$30.00
26	4/27/2006	HSN On-Line	\$57.83
27	4/27/2006	HSN On-Line	\$39.74
28	4/27/2006	HSN On-Line	\$33.44
29	5/1/2006	Mikalas Hair Salon, El Paso, TX	\$30.00
30	5/10/2006	HSN On-Line	\$43.32
31	5/26/2006	Mikalas Hair Salon, El Paso, TX	\$50.00
32	5/30/2006	HSN On-Line	\$36.63
33	6/26/2006	HSN On-Line	\$36.63
34	8/9/2006	Mystery Guild Pym	\$411.13
35	8/14/2006	Smoker Friendly	\$48.67
36	11/6/2006	Smoker Friendly	\$66.41
37	2/6/2007	Mystery Guild Pym	\$232.97
38	2/12/2007	Dress Barn, El Paso, TX	\$197.61
39	2/14/2007	DBC *Blick Art Material	\$203.26
40	2/20/2007	Lowe's #1137	\$1,888.58
41	2/28/2007	Mystery Guild Pym	\$164.38
42	3/5/2007	Mikalas Hair Salon, El Paso, TX	\$32.00
43	3/15/2007	Regal Nails - Walmart, El Paso, TX	\$30.00
44	3/21/2007	Firestone, El Paso, TX	\$416.26
45	3/22/2007	Mystery Guild Pym	\$62.29
46	3/26/2007	Mikalas Hair Salon, El Paso, TX	\$51.00
47	3/26/2007	Northeast Family Dental, El Paso, TX	\$874.50
48	3/27/2007	American Musical Supply	\$399.99
49	4/4/2007	NCM Walk Lib Coin	\$28.94
50	4/5/2007	Mystery Guild Pym	\$127.11
51	4/5/2007	Mystery Guild Pym	\$25.28
52	4/19/2007	Mystery Guild Pym	\$26.92

53	4/23/2007	Dress Barn, El Paso, TX	\$286.75
54	4/26/2007	NCM Walk Lib Coin	\$19.95
55	4/26/2007	NCM Walk Lib Coin	\$19.95
56	5/7/2007	Saddleblanket, El Paso, TX	\$633.26
57	5/14/2007	Hollywood Nails	\$80.00
58	6/13/2007	NCM Walk Lib Coin	\$19.95
59	6/14/2007	Mystery Guild Pym	\$53.28
60	6/21/2007	DBC *Blick Art Material	\$71.22
61	7/3/2007	Smart Style, El Paso, TX	\$38.90
62	7/5/2007	NCM Walk Lib Coin	\$19.95
63	7/16/2007	Sally Beauty, El Paso, TX	\$20.83
64	7/25/2007	NCM Walk Lib Coin	\$19.95
65	8/1/2007	Mystery Guild Pym	\$26.19
66	8/1/2007	Red Kitchen Defered	\$178.74
67	8/21/2007	Mystery Guild Pym	\$26.22
68	8/22/2007	NCM Walk Lib Coin	\$19.95
69	8/23/2007	Mystery Guild Pym	\$108.81
70	9/12/2007	Mystery Guild Pym	\$55.69
71	10/1/2007	Mikalas Hair Salon, El Paso, TX	\$23.00
72	10/3/2007	GAF Enterprises	\$100.89
73	10/12/2007	Dress Barn, El Paso, TX	\$260.75
74	10/31/2007	Mystery Guild Pym	\$91.11
75	11/13/2007	Northeast Family Dental, El Paso, TX	\$202.80
76	11/20/2007	Mystery Guild Pym	\$32.63
77	11/26/2007	Eyemart Express, El Paso, TX	\$270.00
78	12/10/2007	Hollywood Nails	\$70.00
79	12/14/2007	Lowe's #1137	\$279.17
80	12/21/2007	Mystery Guild Pym	\$26.11
81	12/24/2007	Global Business Partner	\$119.08
82	1/14/2008	Hollywood Nails	\$40.00
83	1/14/2008	Mikalas Hair Salon, El Paso, TX	\$26.00
84	1/29/2008	American Musical Supply	\$163.20
85	2/19/2008	Mystery Guild Pym	\$25.84
86	2/19/2008	Touch Discount Day Spa	\$91.00
87	2/21/2008	HSN On-Line	\$39.83
88	2/25/2008	Mikalas Hair Salon, El Paso, TX	\$45.00
89	3/17/2008	Touch Discount Day Spa	\$97.00
90	3/19/2008	Mystery Guild Pym	\$38.49
91	4/9/2008	Mystery Guild Pym	\$27.71
92	4/14/2008	Touch Discount Day Spa	\$117.00
93	4/25/2008	Mscn-frnd Wb	\$816.96
94	4/25/2008	Mystery Guild Pym	\$57.55
95	4/28/2008	Mikalas Hair Salon, El Paso, TX	\$20.00
96	5/1/2008	Draper's & Damons	\$763.49
97	5/5/2008	Touch Discount Day Spa	\$39.00

98	5/12/2008	Touch Discount Day Spa	\$156.84
99	5/14/2008	Draper's & Damons	\$170.00
100	5/21/2008	Mystery Guild Pym	\$29.04
101	6/9/2008	Touch Discount Day Spa	\$50.00
102	7/21/2008	Mystery Guild Pym	\$76.13
103	8/4/2008	Petsmart Inc.	\$200.08
104	8/28/2008	Mystery Guild Pym	\$62.07
105	9/2/2008	American Musical Supply	\$103.46
		TOTAL	\$13,542.33

Count 106 (Mail Fraud)

14. From on or about July 24, 2007, through on or about August 13, 2007, in the District of New Mexico and elsewhere, the Defendant, **GLORIA PORTER**, for the purpose of executing or attempting to execute the above-described scheme and artifice to defraud and obtain money, services and property by materially false and fraudulent pretenses, representations, and promises and in furtherance of that scheme, knowingly caused to be delivered by mail the AMC LM-3 form for fiscal year 2006 to the United States Department of Labor, Office of Labor Management Standards, 1999 Broadway, Suite 2435, Denver CO 80202.

All in violation of 18 U.S.C. § 1341.

Count 107 (Aggravated Identity Theft)

15. On or about July 24, 2007, in the District of New Mexico and elsewhere, the Defendant, **GLORIA PORTER**, did knowingly use, without lawful authority, a means of identification of another person, to wit: forging Sandra Moilanen's signature on the fiscal

year 2006 AMC LM-3, during and in relation to the crime of mail fraud, as alleged in Count 106 of this Indictment.

All in violation of 18 U.S.C. § 1028A(a)(1).

A TRUE BILL:

1/5/11

FOREPERSON OF THE GRAND JURY



Assistant United States Attorney

 12/20/10 9:44am